

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

PHILIP ALEXANDER TRAVALIA,)	Cause No. CV 06-55-H-DWM-RKS
)	
Petitioner,)	
)	
vs.)	FINDINGS AND RECOMMENDATION
)	OF U.S. MAGISTRATE JUDGE
ALAN PUCKETT, District Director, U.S.)	
Citizenship and Immigration Services,)	
)	
Respondent.)	

On February 8, 2007, Petitioner Philip Travalia moved to proceed in forma pauperis with this petition for a determination of citizenship. Travalia is a federal prisoner proceeding pro se.

On November 2, 2006, the Clerk of Court notified Travalia that he must submit a statement of his inmate trust account covering at least a six-month period. Travalia was also informed that, if he had not been incarcerated for six months, he should alert the Court to that fact and provide as extensive an account statement as possible. Travalia failed to respond.

On February 14, 2007, Travalia was ordered to show cause in writing why his motion to proceed in forma pauperis should not be denied on the grounds that he failed to submit a statement of his inmate trust account. Alternatively, Travalia could have responded by submitting a statement

of his inmate trust account covering at least a six-month period. Travalia's response was due on February 28, 2007. He failed to respond.

Based on the foregoing, the Court enters the following:

RECOMMENDATION

Travalia's motion to proceed in forma pauperis (doc. 4) should be DENIED on the grounds that he failed to submit a statement of his inmate trust account and his Petition (doc. 1) should be DISMISSED WITHOUT PREJUDICE for failure to pay the filing fee.

The Clerk of Court shall serve a copy of the Findings and Recommendation of the United States Magistrate Judge upon the Plaintiff. Plaintiff is advised that, pursuant to 28 U.S.C. § 636, any objections to these findings must be filed or delivered to prison authorities for mailing within twenty (20) calendar days¹ after the entry date reflected on the Notice of Electronic Filing, or objection is waived.

Plaintiff must immediately inform the Court of any change in his mailing address.

DATED this 12th day of March, 2007.

/s/ Keith Strong
Keith Strong
United States Magistrate Judge

¹ In prisoner cases, this Court extends the time to object to twenty days in order to take into account the somewhat greater mailing time that is involved in sending documents into and out of a prison facility.